

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EILEEN POLIZZI, FUND MANAGER  
of the TEAMSTERS LOCAL 404  
HEALTH SERVICES AND INSURANCE PLAN,  
Plaintiff,

v.

N&B EXPRESS, INC. and JAMES CAPELLI,  
Defendants,

and

BANK OF WESTERN MASSACHUSETTS,  
Trustee.

CIVIL ACTION NO.

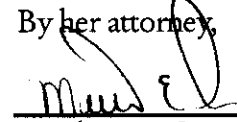
05 - 30183 - MAP

MOTION FOR APPROVAL OF ATTACHMENT ON TRUSTEE PROCESS

Now comes the Plaintiff, Eileen Polizzi as Fund Manager of the Teamsters Local 404 Health Services and Insurance Plan (hereinafter, "Plaintiff") and hereby requests that this Court attach on trustee process the goods, effect, and credits of the Defendant, James Capelli, in the amount of \$75,000.00, entrusted to and deposited in the hands of the Bank of Western Massachusetts located at 1391 Main Street in Springfield, Massachusetts. In support of this motion, Plaintiff states as follows:

(1) The Defendant is indebted to the Plaintiff in the sum of \$485,000.00 as appears from the Verified Complaint and the Affidavits of Eileen Polizzi and Ronald Easton; (2) there is a reasonable likelihood that the Plaintiff will recover judgment, including interests and costs, in an amount equal to or greater than the amount of attachment requested; and (2) there is no liability insurance available to satisfy the judgment likely to be entered in favor the Plaintiff.

Respectfully submitted,  
For the Plaintiff,  
**Eileen Polizzi, Fund Manager**  
**Of The Teamsters Local 404 Health**  
**Services And Insurance Plan,**  
By her attorney,



---

Matthew E. Dwyer (BBO# 139840)  
Kathleen A. Pennini (BBO # 654573)  
Dwyer, Duddy and Facklam, P.C.  
One Center Plaza, Suite 360  
Boston, MA 02108-1804  
(617) 723-9777

Date: August 6, 2005